

By: Price, Huberty, Thompson of Harris,  
Coleman, Bonnen of Galveston, et al.

H.B. No. 18

Substitute the following for H.B. No. 18:

By: Thompson of Harris

C.S.H.B. No. 18

A BILL TO BE ENTITLED

AN ACT

relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs and services, and health care services for students and to mental health first aid program training and reporting regarding local mental health authority and school district personnel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. MENTAL HEALTH OF STUDENTS IN PUBLIC SCHOOLS

SECTION 1.01. Section 5.001, Education Code, is amended by amending Subdivision (5-a) and adding Subdivision (9) to read as follows:

(5-a) "Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors ~~[an illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability,]~~ that:

(A) constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or

(B) [substantially] impairs a person's social, emotional, or educational functioning and increases the risk of developing a condition described by Paragraph (A) ~~[thought, perception of reality, emotional process, or judgment, or~~

1                   ~~[(B) grossly impairs behavior as demonstrated by~~  
2 ~~recent disturbed behavior]~~.

3                   (9) "Substance abuse" means a patterned use of a  
4 substance, including a controlled substance, as defined by Chapter  
5 481, Health and Safety Code, and alcohol, in which the person  
6 consumes the substance in amounts or with methods that are harmful  
7 to the person's self or to others.

8                   SECTION 1.02. Section 11.252(a), Education Code, is amended  
9 to read as follows:

10                  (a) Each school district shall have a district improvement  
11 plan that is developed, evaluated, and revised annually, in  
12 accordance with district policy, by the superintendent with the  
13 assistance of the district-level committee established under  
14 Section 11.251. The purpose of the district improvement plan is to  
15 guide district and campus staff in the improvement of student  
16 performance for all student groups in order to attain state  
17 standards in respect to the achievement indicators adopted under  
18 Section 39.053(c). The district improvement plan must include  
19 provisions for:

20                  (1) a comprehensive needs assessment addressing  
21 district student performance on the achievement indicators, and  
22 other appropriate measures of performance, that are disaggregated  
23 by all student groups served by the district, including categories  
24 of ethnicity, socioeconomic status, sex, and populations served by  
25 special programs, including students in special education programs  
26 under Subchapter A, Chapter 29;

27                  (2) measurable district performance objectives for

all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) evidence-based practices that address ~~[methods for addressing]~~ the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter G ~~[O-1]~~, Chapter 38 ~~[161, Health and Safety Code]~~, which include ~~[includes]~~ a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care ~~[discipline management]~~;

(F) staff development for professional staff of

the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; ~~and~~

(H) accelerated education; and

(I) implementation of a comprehensive school counseling program under Section 33.005;

(4) strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities, including state financial aid opportunities such as~~+~~

~~(B)~~ the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(B) ~~(C)~~ the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(C) ~~(D)~~ sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

SECTION 1.03. Section 21.044(c-1), Education Code, is amended to read as follows:

(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:

(1) be provided through:

(A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351; or

(B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program [161.325, Health and Safety Code]; and

(2) include effective strategies [for teaching and intervening with students with mental or emotional disorders], including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.

SECTION 1.04. Sections 21.054(d), (d-2), (e), (e-2), (f),

and (g), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that at least ~~[not more than]~~ 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction;

(4) educating diverse student populations, including:

(A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 ~~[with disabilities, including mental health disorders];~~

(B) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

(C) students with mental health conditions or who engage in substance abuse;

(D) students with intellectual or developmental disabilities;

(E) students who are educationally disadvantaged;

(F) [~~(C)~~] students of limited English proficiency; and

(G) [~~(D)~~] students at risk of dropping out of school; ~~[and]~~

(5) understanding appropriate relationships, boundaries, and communications between educators and students; and[-]

(6) [~~(d-2) Continuing education requirements for a classroom teacher may include instruction regarding~~] how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(d-2) The instruction required under Subsection (d)(6) must be:

(1) based on relevant best practice-based programs and research-based practices; and

(2) approved by the commissioner, in consultation with the Health and Human Services Commission.

(e) Continuing education requirements for a principal must provide that at least [~~not more than~~] 25 percent of the training required every five years include instruction regarding:

(1) effective and efficient management, including:  
(A) collecting and analyzing information;  
(B) making decisions and managing time; and  
(C) supervising student discipline and managing behavior;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4) effective implementation of a comprehensive school counseling program under Section 33.005;

(5) mental health programs addressing a mental health condition;

(6) educating diverse student populations, including:

(A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 ~~[with disabilities, including mental health disorders];~~

(B) students with intellectual or developmental disabilities;

(C) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

(D) students with mental health conditions or who engage in substance abuse;

(E) students who are educationally disadvantaged;

(F) [~~(C)~~] students of limited English proficiency; and

(G) [~~(D)~~] students at risk of dropping out of school; ~~and~~

(7) [~~(5)~~] preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; and ~~[~~-~~]~~

(8) [~~(e-2) Continuing education requirements for a principal may include instruction regarding~~] how mental health



conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(e-2) The instruction required under Subsection (e)(8) must be:

(1) based on relevant best practice-based programs and research-based practices; and

(2) approved by the commissioner, in consultation with the Health and Human Services Commission.

(f) Continuing education requirements for a counselor must provide that at least ~~[not more than]~~ 25 percent of training required every five years include instruction regarding:

(1) assisting students in developing high school graduation plans;

(2) implementing dropout prevention strategies; ~~[and]~~

(3) informing students concerning:

(A) college admissions, including college financial aid resources and application procedures; and

(B) career opportunities;

(4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and

(5) effective implementation of a comprehensive school counseling program under Section [33.005](#).

(g) The board shall adopt rules that allow an educator to

fulfill ~~[up to 12 hours of]~~ continuing education requirements by participating in an evidence-based ~~[a]~~ mental health first aid training program or an evidence-based grief-informed and trauma-informed care program ~~[offered by a local mental health authority under Section 1001.203, Health and Safety Code]~~. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance. ~~[The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.]~~

SECTION 1.05. Sections 21.451(d) and (d-1), Education Code, are amended to read as follows:

- (d) The staff development:
  - (1) may include training in:
    - (A) technology;
    - (B) positive behavior intervention and support ~~[conflict resolution,~~
    - ~~[(C) discipline]~~ strategies, including classroom management, district discipline policies, and the student code of conduct adopted under ~~[Section 37.001 and]~~ Chapter 37;
    - ~~[(D) preventing, identifying, responding to, and reporting incidents of bullying,]~~ and
    - (C) ~~[(E)]~~ digital learning;

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 U.S.C. Section 7801), and that:

(A) relates to instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include ~~[suicide prevention]~~ training on:

(A) suicide prevention;

(B) recognizing signs of mental health conditions and substance abuse;

(C) strategies for establishing and maintaining positive relationships among students, including conflict resolution;

(D) how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and

(E) preventing, identifying, responding to, and reporting incidents of bullying.

(d-1) The training required by Subsection (d)(3) ~~[that]~~ must:

(1) be provided:

(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter

1 school educators; and

2 (B) to existing school district and  
3 open-enrollment charter school educators on a schedule adopted by  
4 the agency by rule; and [-]

5 (2) [~~(d-1) The suicide prevention training required~~  
6 ~~by Subsection (d)(3) must~~] use a best practice-based program  
7 recommended by the Health and Human Services Commission [~~Department~~  
8 ~~of State Health Services~~] in coordination with the agency under  
9 Section 38.351 [~~161.325, Health and Safety Code~~].

10 SECTION 1.06. Section 21.462, Education Code, is amended to  
11 read as follows:

12 Sec. 21.462. RESOURCES REGARDING STUDENTS WITH MENTAL  
13 HEALTH OR SUBSTANCE ABUSE CONDITIONS [~~NEEDS~~]. The agency, in  
14 coordination with the Health and Human Services Commission, shall  
15 establish and maintain an Internet website to provide resources for  
16 school district or open-enrollment charter school employees  
17 regarding working with students with mental health conditions or  
18 who engage in substance abuse. The agency must include on the  
19 Internet website information about:

- 20 (1) grief-informed and trauma-informed practices;  
21 (2) building skills related to managing emotions,  
22 establishing and maintaining positive relationships, and  
23 responsible decision-making;  
24 (3) positive behavior interventions and supports; and  
25 (4) a safe and supportive school climate.

26 SECTION 1.07. Sections 28.002(a) and (r), Education Code,  
27 are amended to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on:

(i) physical health, including the importance of proper nutrition and exercise; and

(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications;

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

(H) personal financial literacy.

1           (r) In adopting the essential knowledge and skills for the  
2 health curriculum under Subsection (a)(2)(B), the State Board of  
3 Education shall adopt essential knowledge and skills that address  
4 the science, risk factors, causes, dangers, [causes,  
5 consequences, signs, symptoms, and treatment of substance abuse,  
6 including the use of illegal drugs, abuse of prescription drugs,  
7 abuse of alcohol such as by binge drinking or other excessive  
8 drinking resulting in [and] alcohol poisoning, inhaling solvents,  
9 and other forms of substance abuse. The agency shall compile a list  
10 of evidence-based substance abuse [alcohol] awareness programs  
11 from which a school district shall choose a program to use in the  
12 district's middle school, junior high school, and high school  
13 health curriculum. In this subsection, "evidence-based substance  
14 abuse [alcohol] awareness program" means a program, practice, or  
15 strategy that has been proven to effectively prevent substance  
16 abuse [or delay alcohol use] among students, as determined by  
17 evaluations that are evidence-based [use valid and reliable  
18 measures and that are published in peer-reviewed journals].

19           SECTION 1.08. Sections 28.004(c), (d), and (k), Education  
20 Code, are amended to read as follows:

21           (c) The local school health advisory council's duties  
22 include recommending:

23                   (1) the number of hours of instruction to be provided  
24 in:

25                           (A) health education in kindergarten through  
26 grade eight; and

27                           (B) if the school district requires health

education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns through coordination of:

(A) health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction on substance abuse prevention ~~[to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco];~~

(F) school health services, including mental health services;

(G) a comprehensive school counseling program under Section 33.005 ~~[and guidance services];~~

(H) a safe and healthy school environment; and

(I) school employee wellness;

(3) appropriate grade levels and methods of instruction for human sexuality instruction;

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements

in a coordinated school health program for the district:

(A) school health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

(B) a comprehensive school counseling program under Section 33.005 ~~[and guidance services]~~;

(C) a safe and healthy school environment; and

(D) school employee wellness; and

(5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies.

(d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

(1) classroom ~~[public school]~~ teachers employed by the district;

(2) school counselors certified under Subchapter B, Chapter 21, employed by the district;

(3) [public] ~~[public]~~ school administrators employed by the district;

(4) [3] ~~[3]~~ district students;



- (5) [~~(4)~~] health care professionals licensed or certified to practice in this state, including medical or mental health professionals;
- (6) [~~(5)~~] the business community;
- (7) [~~(6)~~] law enforcement;
- (8) [~~(7)~~] senior citizens;
- (9) [~~(8)~~] the clergy;
- (10) [~~(9)~~] nonprofit health organizations; and
- (11) [~~(10)~~] local domestic violence programs.

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

- (1) a statement of the policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Chapter 121, Health and Safety Code, and the contact information for the nearest local mental health authority;
- (2) a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(1);
- (3) [~~(2)~~] a statement of:
  - (A) the number of times during the preceding year the district's school health advisory council has met;
  - (B) whether the district has adopted and enforces

1 policies to ensure that district campuses comply with agency  
2 vending machine and food service guidelines for restricting student  
3 access to vending machines; and

4 (C) whether the district has adopted and enforces  
5 policies and procedures that prescribe penalties for the use of  
6 e-cigarettes, as defined by Section 38.006, and tobacco products by  
7 students and others on school campuses or at school-sponsored or  
8 school-related activities; ~~and~~

9 (4) [(3)] a statement providing notice to parents that  
10 they can request in writing their child's physical fitness  
11 assessment results at the end of the school year; and

12 (5) for each campus in the district, a statement of  
13 whether the campus has a full-time nurse or full-time school  
14 counselor.

15 SECTION 1.09. Section 30.002(b), Education Code, is amended  
16 to read as follows:

17 (b) The agency shall:

18 (1) develop standards and guidelines for all special  
19 education services for children with visual impairments that it is  
20 authorized to provide or support under this code;

21 (2) supervise regional education service centers and  
22 other entities in assisting school districts in serving children  
23 with visual impairments more effectively;

24 (3) develop and administer special education services  
25 for students with both serious visual and auditory impairments;

26 (4) evaluate special education services provided for  
27 children with visual impairments by school districts and approve or

disapprove state funding of those services; and

(5) maintain an effective liaison between special education programs provided for children with visual impairments by school districts and related initiatives of the Health and Human Services Commission [~~Department of Assistive and Rehabilitative Services Division for Blind Services~~], the Department of State Health Services Mental Health and Substance Abuse Division, the Texas Workforce Commission [~~School for the Blind and Visually Impaired~~], and other related programs, agencies, or facilities as appropriate.

SECTION 1.10. Section 33.004(b), Education Code, is amended to read as follows:

(b) Each school, before implementing a comprehensive school [~~and developmental guidance and~~] counseling program under Section 33.005, shall annually conduct a preview of the program for parents and guardians. All materials, including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

SECTION 1.11. Section 33.005, Education Code, is amended to read as follows:

Sec. 33.005. COMPREHENSIVE SCHOOL [~~DEVELOPMENTAL GUIDANCE AND~~] COUNSELING PROGRAMS. (a) A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school [~~developmental guidance and~~] counseling program that conforms to

1 the most recent edition of the Texas Model for Comprehensive School  
2 Counseling Programs developed by the Texas Counseling Association.

3 (b) The school counselor shall design the program to  
4 include:

5 (1) a guidance curriculum to help students develop  
6 their full educational potential, including the student's  
7 interests and career objectives;

8 (2) a responsive services component to intervene on  
9 behalf of any student whose immediate personal concerns or problems  
10 put the student's continued educational, career, personal, or  
11 social development at risk;

12 (3) an individual planning system to guide a student  
13 as the student plans, monitors, and manages the student's own  
14 educational, career, personal, and social development; and

15 (4) system support to support the efforts of teachers,  
16 staff, parents, and other members of the community in promoting the  
17 educational, career, personal, and social development of students.

18 SECTION 1.12. Subchapter A, Chapter 38, Education Code, is  
19 amended by adding Section 38.0101 to read as follows:

20 Sec. 38.0101. AUTHORITY TO EMPLOY OR CONTRACT WITH  
21 NONPHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A school district  
22 may employ or contract with one or more nonphysician mental health  
23 professionals.

24 (b) In this section, "nonphysician mental health  
25 professional" means:

26 (1) a psychologist licensed to practice in this state  
27 and designated as a health-service provider;

1           (2) a registered nurse with a master's or doctoral  
2 degree in psychiatric nursing;

3           (3) a licensed clinical social worker;

4           (4) a professional counselor licensed to practice in  
5 this state; or

6           (5) a marriage and family therapist licensed to  
7 practice in this state.

8           SECTION 1.13. Section 38.013(a), Education Code, is amended  
9 to read as follows:

10           (a) The agency shall make available to each school district  
11 one or more coordinated health programs [~~designed to prevent~~  
12 ~~obesity, cardiovascular disease, oral diseases, and Type 2~~  
13 ~~diabetes~~] in elementary school, middle school, and junior high  
14 school [~~students~~]. Each program must provide for coordinating  
15 education and services related to:

16           (1) physical health education, including programs  
17 designed to prevent obesity, cardiovascular disease, oral  
18 diseases, and Type 2 diabetes and programs designed to promote the  
19 role of proper nutrition [~~oral health education~~];

20           (2) mental health education, including education  
21 about mental health conditions, mental health well-being, skills to  
22 manage emotions, establishing and maintaining positive  
23 relationships, and responsible decision-making;

24           (3) substance abuse education, including education  
25 about alcohol abuse, prescription drug abuse, and abuse of other  
26 controlled substances;

27           (4) physical education and physical activity; and

1           (5) [~~(3)~~ ~~nutrition services, and~~  
2           ~~(4)~~] parental involvement.

3           SECTION 1.14. Sections 38.016(a) and (c), Education Code,  
4 are amended to read as follows:

5           (a) In this section:

6               (1) "Nonphysician mental health professional" has the  
7 meaning assigned by Section 38.0101.

8               (2) "Parent" includes a guardian or other person  
9 standing in parental relation.

10              (3) [~~(2)~~] "Psychotropic drug" means a substance that  
11 is:

12                       (A) used in the diagnosis, treatment, or  
13 prevention of a disease or as a component of a medication; and

14                       (B) intended to have an altering effect on  
15 perception, emotion, or behavior.

16           (c) Subsection (b) does not:

17               (1) prevent an appropriate referral under the child  
18 find system required under 20 U.S.C. Section 1412, as amended; [~~or~~]

19               (2) prohibit a school district employee, or an  
20 employee of an entity with which the district contracts, who is a  
21 registered nurse, advanced nurse practitioner, physician, or  
22 nonphysician mental health professional licensed or certified to  
23 practice in this state [~~or appropriately credentialed mental health~~  
24 ~~professional~~] from recommending that a child be evaluated by a  
25 physician or nonphysician mental health professional [~~an~~  
26 ~~appropriate medical practitioner~~]; or

27               (3) prohibit a school employee from discussing any

1 aspect of a child's behavior or academic progress with the child's  
2 parent or another school district employee.

3 SECTION 1.15. Section 38.051(b), Education Code, is amended  
4 to read as follows:

5 (b) On the recommendation of an advisory council  
6 established under Section 38.058 or on the initiative of the board  
7 of trustees or the governing body of an open-enrollment charter  
8 school, a school district or open-enrollment charter school may  
9 establish a school-based health center at one or more campuses [~~in~~  
10 ~~the district~~] to meet the health care needs of students and their  
11 families.

12 SECTION 1.16. Section 38.054, Education Code, is amended to  
13 read as follows:

14 Sec. 38.054. CATEGORIES OF SERVICES. The permissible  
15 categories of services are:

- 16 (1) family and home support;
- 17 (2) physical health care, including immunizations;
- 18 (3) dental health care;
- 19 (4) health education; [~~and~~]
- 20 (5) preventive health strategies;
- 21 (6) treatment for mental health conditions; and
- 22 (7) treatment for substance abuse.

23 SECTION 1.17. Section 38.057(b), Education Code, is amended  
24 to read as follows:

25 (b) If it is determined that a student is in need of a  
26 referral for physical health services or mental health services,  
27 the staff of the center shall notify the person whose consent is

1 required under Section 38.053 verbally and in writing of the basis  
2 for the referral. The referral may not be provided unless the  
3 person provides written consent for the type of service to be  
4 provided and provides specific written consent for each treatment  
5 occasion or for a course of treatment that includes multiple  
6 treatment occasions of the same type of service.

7 SECTION 1.18. Section 38.058, Education Code, is amended to  
8 read as follows:

9 Sec. 38.058. HEALTH EDUCATION AND HEALTH CARE ADVISORY  
10 COUNCIL. (a) The board of trustees of a school district or the  
11 governing body of an open-enrollment charter school may establish  
12 and appoint members to a local health education and health care  
13 advisory council to make recommendations to the district or school  
14 on the establishment of school-based health centers and to assist  
15 the district or school in ensuring that local community values are  
16 reflected in the operation of each center and in the provision of  
17 health education.

18 (b) A majority of the members of the council must be parents  
19 of students enrolled in the school district or open-enrollment  
20 charter school. In addition to the appointees who are parents of  
21 students, the board of trustees or governing body shall also  
22 appoint at least one person from each of the following groups:

- 23 (1) classroom teachers;  
24 (2) school administrators;  
25 (3) school counselors;  
26 (4) [~~licensed~~] health care professionals licensed or  
27 certified to practice in this state;



- 1           (5) [~~(4)~~] the clergy;
- 2           (6) [~~(5)~~] law enforcement;
- 3           (7) [~~(6)~~] the business community;
- 4           (8) [~~(7)~~] senior citizens; and
- 5           (9) [~~(8)~~] students.

6           SECTION 1.19. Subchapter B, Chapter 38, Education Code, is  
7 amended by adding Section 38.0591 to read as follows:

8           Sec. 38.0591. ACCESS TO MENTAL HEALTH SERVICES. The  
9 agency, in cooperation with the Health and Human Services  
10 Commission, shall develop guidelines for school districts  
11 regarding:

- 12           (1) partnering with a local mental health authority  
13 and with community or other private mental health services  
14 providers and substance abuse services providers to increase  
15 student access to mental health services; and
- 16           (2) obtaining mental health services through the  
17 medical assistance program under Chapter 32, Human Resources Code.

18           SECTION 1.20. Section 38.060(c), Education Code, is amended  
19 to read as follows:

20           (c) The school district or open-enrollment charter school  
21 ~~[council]~~ shall keep a record of efforts made to coordinate with  
22 existing providers.

23           SECTION 1.21. Subchapter O-1, Chapter 161, Health and  
24 Safety Code, as amended by Chapter 522 (S.B. 179) and Chapter 714  
25 (H.B. 4056), Acts of the 85th Legislature, Regular Session, 2017,  
26 is transferred to Chapter 38, Education Code, redesignated as  
27 Subchapter G, Chapter 38, Education Code, reenacted, and amended to

read as follows:

SUBCHAPTER G [~~0-1~~]. MENTAL HEALTH, SUBSTANCE ABUSE, AND YOUTH  
SUICIDE

Sec. 38.351 [~~161.325~~]. MENTAL HEALTH PROMOTION AND INTERVENTION, SUBSTANCE ABUSE PREVENTION AND INTERVENTION, AND SUICIDE PREVENTION. (a) The agency [~~department~~], in coordination with the Health and Human Services Commission [~~Texas Education Agency~~] and regional education service centers, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified under Subsection (c) [~~(a-1)~~] for implementation in public elementary, junior high, middle, and high schools within the general education setting.

(b) Each school district may select from the list provided under Subsection (a) a program or programs appropriate for implementation in the district.

(c) [~~(a-1)~~] The list provided under Subsection (a) must include programs and practices in the following areas:

(1) early mental health intervention;

(2) building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;

~~[(2) mental health promotion,]~~

(3) substance abuse prevention and intervention;

(4) ~~[substance abuse intervention,~~

~~[(5)]~~ suicide prevention;

(5) ~~[(6) trauma-informed practices,~~

- 1           ~~[(6)]~~ grief-informed and trauma-informed practices;
- 2           (6) ~~[(7) building skills related to managing~~
- 3 ~~emotions, establishing and maintaining positive relationships, and~~
- 4 ~~responsible decision-making,~~
- 5           ~~[(7)]~~ positive school climates; ~~[and]~~
- 6           (7) ~~[(8)]~~ positive behavior interventions and
- 7 supports;
- 8           (8) ~~[positive behavior interventions and supports~~
- 9 ~~and]~~ positive youth development; and
- 10           (9) safe and supportive school climate.

11           (d) ~~[(a-2) The department, the Texas Education Agency, and~~

12 ~~each regional education service center shall make the list easily~~

13 ~~accessible on their websites.~~

14           ~~[(a-3)]~~ For purposes of Subsection (c) ~~[(a-1)]~~, "school

15 climate" means the quality and character of school life, including

16 interpersonal relationships, teaching and learning practices, and

17 organizational structures, as experienced by students enrolled in

18 the school district, parents of those students, and personnel

19 employed by the district.

20           (e) ~~[(b)]~~ The suicide prevention programs on the list

21 provided under Subsection (a) must include components that provide

22 for training school counselors, teachers, nurses, administrators,

23 and other staff, as well as law enforcement officers and social

24 workers who regularly interact with students, to:

- 25           (1) recognize students at risk of attempting
- 26 ~~[committing]~~ suicide, including students who are or may be the
- 27 victims of or who engage in bullying;

1           (2) recognize students displaying early warning signs  
2 and a possible need for early mental health or substance abuse  
3 intervention, which warning signs may include declining academic  
4 performance, depression, anxiety, isolation, unexplained changes  
5 in sleep or eating habits, and destructive behavior toward self and  
6 others; and

7           (3) intervene effectively with students described by  
8 Subdivision (1) or (2) by providing notice and referral to a parent  
9 or guardian so appropriate action, such as seeking mental health or  
10 substance abuse services, may be taken by a parent or guardian.

11       (f) [~~(c)~~] In developing the list of best practice-based  
12 programs and research-based practices, the agency [~~department~~] and  
13 the Health and Human Services Commission [~~Texas Education Agency~~]  
14 shall consider:

15           (1) any existing suicide prevention method developed  
16 by a school district; and

17           (2) any Internet or online course or program developed  
18 in this state or another state that is based on best practices  
19 recognized by the Substance Abuse and Mental Health Services  
20 Administration or the Suicide Prevention Resource Center.

21       (g) [~~(c-1)~~] Except as otherwise provided by this  
22 subsection, each school district shall provide training described  
23 in the components set forth under Subsection (e) [~~(b)~~] for  
24 teachers, school counselors, principals, and all other appropriate  
25 personnel. A school district is required to provide the training at  
26 an elementary school campus only to the extent that sufficient  
27 funding and programs are available. A school district may

1 implement a program on the list to satisfy the requirements of this  
2 subsection.

3 (h) [~~(c-2)~~] If a school district provides the training  
4 under Subsection (g) [~~(c-1)~~]:

5 (1) a school district employee described under that  
6 subsection must participate in the training at least one time; and

7 (2) the school district shall maintain records that  
8 include the name of each district employee who participated in the  
9 training.

10 (i) [~~(d)~~] A school district shall [~~may~~] develop practices  
11 and procedures concerning each area listed in Subsection (c)  
12 [~~(a-1)~~], including mental health promotion and intervention,  
13 substance abuse prevention and intervention, and suicide  
14 prevention, that:

15 (1) include a procedure for providing notice of a  
16 recommendation for early mental health or substance abuse  
17 intervention regarding a student to a parent or guardian of the  
18 student within a reasonable amount of time after the identification  
19 of early warning signs as described by Subsection (e)(2) [~~(b)(2)~~];

20 (2) include a procedure for providing notice of a  
21 student identified as at risk of attempting [~~committing~~] suicide to  
22 a parent or guardian of the student within a reasonable amount of  
23 time after the identification of early warning signs as described  
24 by Subsection (e)(2) [~~(b)(2)~~];

25 (3) establish that the district may develop a  
26 reporting mechanism and may designate at least one person to act as  
27 a liaison officer in the district for the purposes of identifying

1 students in need of early mental health or substance abuse  
2 intervention or suicide prevention; and

3 (4) set out available counseling alternatives for a  
4 parent or guardian to consider when their child is identified as  
5 possibly being in need of early mental health or substance abuse  
6 intervention or suicide prevention.

7 (j) ~~[(e)]~~ The practices and procedures developed under  
8 Subsection (i):

9 (1) may address multiple areas listed in Subsection  
10 (c) together; and

11 (2) ~~[(d)]~~ must prohibit the use without the prior  
12 consent of a student's parent or guardian of a medical screening of  
13 the student as part of the process of identifying whether the  
14 student is possibly in need of early mental health or substance  
15 abuse intervention or suicide prevention.

16 (k) ~~[(f)]~~ The practices and procedures developed under  
17 Subsection (i) ~~[(d)]~~ must be included in:

18 (1) the annual student handbook; and

19 (2) the district improvement plan under Section  
20 [11.252](#) ~~[, Education Code]~~.

21 (1) The agency shall develop and make available to school  
22 districts guiding principles on the coordination of programs and  
23 practices in areas listed under Subsection (c).

24 (m) ~~[(g)]~~ The agency, the Health and Human Services  
25 Commission, and each regional education service center:

26 (1) [department] may accept donations for purposes of  
27 this section from sources without a conflict of interest; and

1           (2) [~~—The department~~] may not accept donations for  
2 purposes of this section from an anonymous source.

3           (n) [~~(i)~~] Nothing in this section is intended to interfere  
4 with the rights of parents or guardians and the decision-making  
5 regarding the best interest of the child. Practices and procedures  
6 developed in accordance with this section are intended to notify a  
7 parent or guardian of a need for mental health or substance abuse  
8 intervention so that a parent or guardian may take appropriate  
9 action. Nothing in this section shall be construed as giving school  
10 districts the authority to prescribe medications. Any and all  
11 medical decisions are to be made by a parent or guardian of a  
12 student.

13           Sec. 38.352 [~~161.326~~]. IMMUNITY. This subchapter does not:  
14           (1) waive any immunity from liability of a school  
15 district or of district school officers or employees;  
16           (2) create any liability for a cause of action against  
17 a school district or against district school officers or employees;  
18 or  
19           (3) waive any immunity from liability under Section  
20 74.151, Civil Practice and Remedies Code.

21   ARTICLE 2. MENTAL HEALTH FIRST AID PROGRAM TRAINING AND REPORTING  
22       SECTION 2.01. Section 1001.205, Health and Safety Code, is  
23 amended to read as follows:

24       Sec. 1001.205. REPORTS. (a) Not later than September 30 of  
25 each year, a local mental health authority shall provide to the  
26 department the number of:

27           (1) employees and contractors of the authority who

1 were trained as mental health first aid trainers under Section  
2 1001.202 during the preceding fiscal year, the number of trainers  
3 who left the program for any reason during the preceding fiscal  
4 year, and the number of active trainers;

5 (2) university employees, school district employees,  
6 and school resource officers who completed a mental health first  
7 aid training program offered by the authority under Section  
8 1001.203 during the preceding fiscal year categorized by local  
9 mental health authority region, university or school district, as  
10 applicable, and category of personnel; and

11 (3) individuals who are not university employees,  
12 school district employees, or school resource officers who  
13 completed a mental health first aid training program offered by the  
14 authority during the preceding fiscal year.

15 (b) Not later than December 1 of each year, the department  
16 shall compile the information submitted by local mental health  
17 authorities as required by Subsection (a) and submit a report to the  
18 legislature containing ~~[the number of]~~:

19 (1) the number of authority employees and contractors  
20 trained as mental health first aid trainers during the preceding  
21 fiscal year, the number of trainers who left the program for any  
22 reason during the preceding fiscal year, and the number of active  
23 trainers;

24 (2) the number of university employees, school  
25 district employees, and school resource officers who completed a  
26 mental health first aid training program provided by an authority  
27 during the preceding fiscal year categorized by local mental health



authority region, university or school district, as applicable, and  
category of personnel; ~~and~~

(3) the number of individuals who are not university  
employees, school district employees, or school resource officers  
who completed a mental health first aid training program provided  
by an authority during the preceding fiscal year; and

(4) a detailed accounting of expenditures of money  
appropriated for the purpose of implementing this subchapter.

(c) The department shall develop and provide to local mental  
health authorities a form to be used for the reporting of  
information required under Subsection (a), including the reporting  
of each category of personnel described by that subsection.

SECTION 2.02. Subchapter H, Chapter 1001, Health and Safety  
Code, is amended by adding Section 1001.207 to read as follows:

Sec. 1001.207. PROGRAM PROMOTION. (a) The commission shall  
make available on its official Internet website information about  
the mental health first aid training program for the purpose of  
promoting public awareness of the program. An electronic link to an  
outside source of information is not sufficient.

(b) The Texas Education Agency shall make available on its  
official Internet website information about the mental health first  
aid training program for the purpose of promoting public awareness  
of the program. An electronic link to an outside source of  
information is not sufficient.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Section 74.151(e), Civil Practice and  
Remedies Code, is amended to read as follows:

(e) Except as provided by this subsection, this section does not apply to a person whose negligent act or omission was a producing cause of the emergency for which care is being administered. This subsection does not apply to liability of a school district or district school officer or employee arising from an act or omission under a program or practice [~~policy~~] or procedure developed [~~adopted~~] under Subchapter G, Chapter 38, Education [~~Chapter 161, Health and Safety~~] Code, other than liability arising from wilful or intentional misconduct.

SECTION 3.02. Section 38.0141(a), Education Code, is amended to read as follows:

(a) Each school district shall provide to the agency information as required by the commissioner, including statistics and data, relating to student health and physical activity and information described by Sections 28.004(k)(2), (3), and (4) [~~Section 28.004(k),~~] presented in a form determined by the commissioner. The district shall provide the information required by this subsection for the district and for each campus in the district.

ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

SECTION 4.01. The following provisions of the Education Code are repealed:

- (1) Section 21.463; and
- (2) Section 28.002(w).

SECTION 4.02. (a) Not later than May 1, 2020:

(1) the State Board for Educator Certification shall propose rules under Section 21.054, Education Code, to comply with

1 the changes in law made to that section by this Act; and

2 (2) the Texas Education Agency, in cooperation with  
3 the Health and Human Services Commission, shall develop the  
4 guidelines required by Section 38.0591, Education Code, as added by  
5 this Act.

6 (b) Not later than August 1, 2020, the Texas Education  
7 Agency, in coordination with the Health and Human Services  
8 Commission and regional education service centers, shall provide a  
9 list of recommended best practice-based programs as required by  
10 Section 38.351, Education Code, as transferred, redesignated,  
11 reenacted, and amended by this Act.

12 SECTION 4.03. Any change in law made by this Act that  
13 imposes a new duty or requirement on a school district or an  
14 open-enrollment charter school applies beginning with the  
15 2020-2021 school year.

16 SECTION 4.04. (a) Section 1001.205(a), Health and Safety  
17 Code, as amended by this Act, applies only to a report due under  
18 that subsection after December 31, 2019. A report due under that  
19 subsection before that date is governed by the law in effect  
20 immediately before the effective date of this Act, and that law is  
21 continued in effect for that purpose.

22 (b) Section 1001.205(b), Health and Safety Code, as amended  
23 by this Act, applies only to a report due under that subsection  
24 after March 1, 2020. A report due under that subsection before that  
25 date is governed by the law in effect immediately before the  
26 effective date of this Act, and that law is continued in effect for  
27 that purpose.

1           (c) Not later than May 1, 2020, the Health and Human  
2 Services Commission shall develop and make available the form  
3 required under Section 1001.205(c), Health and Safety Code, as  
4 added by this Act.

5           SECTION 4.05. Not later than March 1, 2020, the Health and  
6 Human Services Commission and the Texas Education Agency shall  
7 update their Internet websites to include the information required  
8 by Section 1001.207, Health and Safety Code, as added by this Act.

9           SECTION 4.06. This Act takes effect December 1, 2019.